

### **REMARKS**

Claims 1-8 and 17-20 are now pending in the application. Claims 21-25 have previously been withdrawn and claims 9-16 have now been cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein. No new matter has been added.

### **DOUBLE PATENTING**

Claims 1-20 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8-23 of co-pending Application No. 11/097,340. This rejection is respectfully traversed.

Applicants have attached herewith a Terminal Disclaimer under 37 CFR §1.321 (c) with regard to co-pending Application No. 11/097,340, which is commonly owned with the present application. Therefore, Applicants respectfully request reconsideration and withdrawal of the double patenting rejection of claims 1-20.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1-8 and 17-20 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The claims have been rejected for containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time of the application was filed, had possession of the claimed invention. In particular, claims 1 and 17 include “a unitary body” which was stated in the Office Action as appearing to be new matter not supported in the specification. This rejection is respectfully traversed.

Applicants respectfully refer the Examiner to FIGS. 1-3, 6, 8-9, and 11-14 of the specification as each of these figures show embodiments of the bone fixation plate as having a unitary or one-piece body. In particular, FIGS. 1 and 11 show the bone fixation plate in its entirety and it can be seen in these figures that the plate has a unitary or one-piece body.

In view of the above remarks, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 1-8 and 17-20.

#### **REJECTION UNDER 35 U.S.C. § 102**

Claims 9-16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Paul (U.S. Pat. No. 7,255,699). Since claims 9-16 have now been cancelled, this rejection is rendered moot.

#### **ALLOWABLE SUBJECT MATTER**

Applicants appreciate the Examiner's indication that claims 1-8 and 17-20 would appear to be considered allowable if the 35 USC §112 rejections were overcome as well as the provisional double patenting rejection. As discussed above, the Applicants have addressed 35 USC §112 rejections and have filed a terminal disclaimer herewith. Therefore, claims 1-8 and 17-20 should now be in condition for allowance.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present

application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned attorney at (610) 415-9000 x1174. No additional fees are believed due for this submission, however, if any additional fees are required; please charge such fees to Globus Medical Deposit Account No. 50-4131.

Respectfully submitted,

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